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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

New York, N.Y.

4 v.

15 Cr. 0706 (VSB)

5 NG LAP SENG,

6 Defendant.

7 -----x

8
9 November 5, 2015
3:05 p.m.

10 Before:

11 HON. VERNON S. BRODERICK,

12 District Judge

13
14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
Southern District of New York

17 BY: JANIS ECHENBERG

DANIEL C. RICHENTHAL

Assistant United States Attorneys

18 BRAFMAN & ASSOCIATES, P.C.

19 Attorneys for Defendant

20 BY: BENJAMIN BRAFMAN

JACOB KAPLAN

21 - also present -

22 SA Ryan Carey, Federal Bureau of Investigation

23 John Lau and Patsy Ong,

24 Cantonese Language Interpreters

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1 THE CLERK: In the matter of the United States of
2 America versus Ng.

3 Counsel, please state your name for the record.

4 MS. ECHENBERG: Good afternoon, your Honor. Janice
5 Echenberg for the government. With me at counsel table is my
6 colleague Daniel Richenthal and Special Agent Ryan Carey of the
7 FBI.

8 THE COURT: Good afternoon.

9 MR. BRAFMAN: Good afternoon, your Honor. For the
10 defendant, Mr. Ng, Benjamin Brafman and Jacob Kaplan from my
11 firm. Good morning, sir -- good afternoon, sir.

12 THE COURT: Good afternoon.

13 Mr. Ng, can you hear and understand -- you may be
14 seated. Can you hear and understand the interpreter?

15 THE DEFENDANT: I understand.

16 THE COURT: OK. Thank you.

17 OK. Let me review for the parties the materials I
18 have in connection with today's bail conference. I have the --
19 Mr. Brafman's letter of November 3rd. I have the government's
20 response of November 4th. The government attached a copy of
21 the October 22nd bail hearing we had. I have a copy of the
22 bail order that I issued on the 23rd of October, a copy of the
23 actual bond, as well as the order I issued yesterday to the
24 parties.

25 Is there anything else that I should have? Yes?

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1 MR. BRAFMAN: No, your Honor. I think you have
2 everything. And if the Court permits, we might be able to
3 shorten these proceedings if I were permitted to please begin
4 by responding to the questions in the Court's order unless you
5 prefer to proceed in a different way.

6 THE COURT: No. I was going to ask that the parties
7 respond to those questions.

8 So, Mr. Brafman, if you would like to go first, go
9 right ahead.

10 MR. BRAFMAN: Yes. Your Honor, I am going to do it in
11 the order of your order to make it easier.

12 And just for the record, so that we don't confuse the
13 interpreter, the person identified as Sun Yuan, Y-u-a-n, I
14 think it's easier if we refer to her as Crystal, which is the
15 name that she is known by, C-r-y-s-t-a-l. Jason, the name is
16 Jason. And Ng Fei, F-e-i, Lan, L-a-n, who is the defendant's
17 daughter, we can refer to her as Janet. I think it will make
18 things easier for the reporter and all of us as well.
19 Certainly me.

20 THE COURT: OK. Go ahead.

21 MR. BRAFMAN: Your Honor, with respect to the first
22 question, the answer is no. None of the suretors were
23 interviewed, to my knowledge, by anyone at the United States
24 Attorney's office, because I think, as your Honor will recall
25 and as I think the government will concede because my associate

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1 had a conversation with at least one of the prosecutors today,
2 the purpose of them signing as suretors, which came very late
3 in the proceeding, was not because they were believed to be
4 financially solvent to be able to secure a \$50 million bond but
5 for the moral suasion, if you will, that having the defendant's
6 family on the bond was an additional incentive for him not to
7 flee. So none of them were interviewed by the United States
8 Attorney's office. And, if interviewed, your Honor, they
9 would, quite frankly, not be able to produce the kind of
10 financial documentation that you might otherwise consider as an
11 appropriate suretor in a case like this.

12 THE COURT: Sure. I mean, part of the rationale for
13 me asking the question is that in addition to the questions
14 that go directly to financial wherewithal, there are also
15 questions related to employment and other things, which would
16 have, I think, or could have -- some of these issues may have
17 come to light in part because of that.

18 MR. BRAFMAN: Well, let me make that part easier.
19 Because with question two, our original request was that Ms. --
20 Crystal be able to travel to China both for the medical
21 concerns addressing her son and also her mother and that she
22 also be permitted to work. We are prepared to withdraw the
23 request that she be permitted to work without at all conceding
24 the suggestion that her working at this company has anything
25 whatsoever to do with the defendant and the charges in this

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1 case.

2 The company employs, to my knowledge, more than a
3 thousand people. She works in the human resources position,
4 and to my knowledge, your Honor, she has nothing to do with
5 this case. But to make things easier for the Court and to ease
6 the concern of the government, she is prepared not to go to the
7 company and not to work there for any of the 40 days or 30
8 days, or whatever your Honor allows her, to go to Beijing -- to
9 China and then to Beijing, because with the status of her son,
10 it becomes more difficult and she is really going primarily to
11 address the medical issues in this case.

12 So we revise that request and it certainly makes it
13 easier.

14 Your Honor, with respect to your question was either
15 party aware that Jason had announced any job offer, let me
16 answer as best I can and as candidly as I can. Mr. Mo, who is
17 not here, who is the principal person who we have been using to
18 debrief people, although Jason speaks in English, we were aware
19 that he had a job opportunity in China. He has just graduated
20 in May from the University of Southern California. His family
21 lives in China. And he has been offered a position at a
22 company that has nothing whatsoever to do with Mr. Ng.

23 Mr. Ng didn't get him the job. Mr. Ng didn't
24 recommend him. And this is sort of like working for AIG. It
25 is an enormous insurance trust company. He has an entry-level

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1 position, but because he is bilingual and a college graduate
2 from America he is an interesting commodity in China. They've
3 offered him a fairly good job. And when he took the offer it
4 was before Mr. Ng's arrest. He asked them to extend the
5 starting date because he drives, he is a citizen, he knows his
6 way around the city. He flew here because the family was with
7 them. None of them really speak English besides Janet, but she
8 has never driven in New York City.

9 So he came here. The job is waiting for him. He
10 wants to take the job. It has nothing whatsoever to do with
11 Mr. Ng's company. As your Honor will recall, because I reread
12 the minutes of the hearing -- and I reread the minutes of the
13 hearing just to be careful that I not misspeak -- I think at
14 the end of the hearing, what happened was your Honor ultimately
15 suggested or directed that whoever is going to live in the
16 apartment surrender their travel documents so the defendant
17 would not have access, obviously, to any travel documents. The
18 Court said quite clearly at page 85 that if there were travel
19 requirements, they could make an application to get them back.
20 They are not charged with any offenses.

21 And Jason, in particular, is a son of a family friend.
22 And you asked that relationship, and I will tell you -- I will
23 go through the questions with respect to him. So we were aware
24 that he had had a job offer. I did not know the extent of the
25 commitment. I can't speak for Mr. Mo. I do know now that it

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1 involves a company which I can identify for you, and it has
2 absolutely nothing whatsoever to do with Mr. Ng. It's called
3 Ping An -- P-i-n-g, An, A-n -- Insurance Group Company of
4 China. As I understand it, it is an enormous company involving
5 many, many thousands of employees. And Mr. Jason has an
6 entry-level position, and he didn't get it at the request or at
7 the referral of Mr. Ng. And Mr. Ng has no involvement in that
8 company whatsoever.

9 Jason never worked at any time as Mr. Ng's personal
10 assistant except since he's been in the apartment, he helps.
11 He buys groceries. He does the things that people would
12 normally do if they are not under house arrest. And he has
13 been helping us, quite frankly, as an interpreter in
14 communicating. And he's been very helpful, as I understand it,
15 to the Guidepost people, who, when there is no interpreter, he
16 and Janet help them in terms of their direction. But he was
17 never employed by Mr. Ng or any of Mr. Ng's companies.

18 Your question six, how does --

19 THE COURT: Just so it's clear, why I asked that
20 question is I believe that when -- and, if need be, we can get
21 the Pretrial Services Officer on the phone rather than if there
22 is something that comes up. My understanding, though, is that
23 when the officer was visiting, I guess, I'm not sure if it was
24 for a phone setup or some reason, that when he met Mr. Meng, I
25 think he asked, you know, who are you, and I think the response

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1 was I'm Mr. Ng's personal assistant.

2 MR. BRAFMAN: Yes. And since he has come to the
3 United States after his arrest, that is a truthful, accurate
4 statement.

5 THE COURT: OK.

6 MR. BRAFMAN: However, it is not in the same vein as
7 Mr. Yin, the defendant, who worked for Mr. Ng as a personal
8 assistant who is charged in the case.

9 And this is a cultural issue. He is an indentured
10 servant, if you will, running errands for the family of a
11 personal nature -- cleaning, getting clothes for him, helping
12 with the travel prior to his release, driving the children to
13 the MDC because they have no way of knowing how to get there.
14 So to that extent, he viewed himself at the time and I view him
15 as a personal assistant. He also, quite frankly, has been my
16 personal assistant because I can't interview Mr. Ng outside of
17 Mr. Mo without either Janet or Jason. But he's not lying to
18 Pretrial. It was his interpretation of what he saw as his
19 role.

20 And in terms of did Mr. Ng know -- or how does Mr. Ng
21 know Mr. Meng's parents, they have been friends for 30 years.
22 They have real estate partnerships that they have invested in
23 together. Jason's parents have nothing whatsoever to do with
24 South-South News or the company that's in the heart of this
25 case, that China has, you know, billions of people. And I know

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1 the government seems to think that Mr. Ng controls China, there
2 are many people there who are successful business people who he
3 invests with who are just real estate people.

4 So he had met Mr. Ng's son many years ago. And the
5 question that you have, is there any documentary evidence
6 demonstrating that Mr. Meng is Mr. Ng's Godson, the answer is
7 no. Let me again explain because this is a cultural not
8 disconnect but a cultural statement.

9 THE COURT: Sure.

10 MR. BRAFMAN: Mr. Ng is very fond of Jason, as I think
11 are all of us who have come to meet him and know him. He is
12 bright. He is smart. He is a citizen. He is a college
13 graduate. And he has a very good future. I'm referred to in
14 conversations now by Mr. Ng and his family as the family uncle.
15 I am not his uncle but that's how they refer to me.

16 He believes -- and Jason will tell you -- that
17 "godson" is appropriate suggestion of how they view each
18 other's relationship. Mr. Ng sees Jason as a brilliant young
19 man and a very nice young man. The family and he get along,
20 and he's the son of very dear friends. So he has been
21 introduced to me as his godson. I have heard both of them use
22 that term, but there is no church service or documentation or
23 any clergy who has confirmed that fact.

24 So to the extent that we used the term, I used it
25 correctly, but I want the Court to understand that it might be

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1 different from how someone in the United States might make
2 someone their godson either at a baptism or at a --

3 THE COURT: My question, again, didn't necessarily go
4 to any religious significance. I do understand that that could
5 be in part the reason why or the rationale for someone being a
6 godfather or a godson.

7 What I was really trying to get to, I think, and they
8 revolve around sort of what Mr. Meng, his employment situation
9 was, whether or not he in fact was a friend of the family,
10 godson or not, as opposed to someone who actually had been
11 assisting Mr. Ng for more than just the time period he has been
12 in the United States.

13 MR. BRAFMAN: I think what we're dealing with is he's
14 known him for three years. The relationship is three years
15 old, but he knows him as a son of a family friend. When this
16 happened and he was arrested and remanded -- and I ask your
17 Honor to recognize that Mr. Ng is 68, has never been in trouble
18 before, never been in jail -- suddenly he was remanded in a
19 place where he spoke no English. His two daughters -- his
20 daughter and his daughter-in-law left their children at home,
21 flew to the United States, and were essentially lost, to be
22 candid with you, in how to navigate them and deal with this
23 process of remand. Mr. Ng was moved from the MCC, then to the
24 MDC. I'm not faulting anyone.

25 And Jason took it upon himself -- he was in LA at the

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1 time because he has family there as well, and he came to the
2 United States and he put his job on hold. And to his credit,
3 he helped them. He drove them to the MCC, then to the MDC.
4 They were all living in that apartment.

5 So the suggestion of them wanting to live there
6 because he's living there, that's the only place they lived
7 since they came to the United States after his arrest. So that
8 was the next question, I think, to answer your Honor's order of
9 questions eight and nine. The daughter and the daughter-in-law
10 came to the United States to help their father-in-law and came
11 after his arrest and have lived in that apartment, because it's
12 the only residence that the family owns. And they lived there
13 prior to his being released, and they continue to reside there
14 now to assist him.

15 So what I think has happened, Judge, is we have an
16 issue that I'm sorry to burden the Court with, but we have a
17 six-year-old son of Crystal who lives in Macau, and her mother
18 was primarily in charge of taking the child to special
19 treatment from China to -- from Macau to Beijing, where the
20 specialists are. He has a severe renal failure problem that
21 requires him to either go every month or every month, depending
22 on the test results, for treatment. The treatment can last an
23 hour or four days or a week depending on his being responsive.
24 He's in the crisis period. And her mother has now deteriorated
25 herself and can no longer do this.

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1 And I think what your Honor will recall, we offered
2 Janet Ng, who is the defendant's daughter, as a suretor. She
3 speaks English. She has been living in the apartment. She was
4 the first person we mentioned. And then when we asked
5 permission for the other two people, who were not intended by
6 us to be suretors and we didn't offer them as suretors, we
7 asked permission for them to live in the apartment, what your
8 Honor then ruled -- and I think, quite frankly, correctly -- is
9 that they need to understand that when they live in the
10 apartment they have to be abiding by the same conditions as
11 everybody else -- no cell phones, they have to not have
12 visitors who aren't approved. And so that your Honor knows, so
13 far, this has been flawless. And I know the government refers
14 to one night when the defendant was late, and let me tell you,
15 sir --

16 THE COURT: That is OK. I've actually spoken to the
17 Pretrial Services Officer.

18 MR. BRAFMAN: There was some confusion.

19 THE COURT: There was misunderstanding.

20 MR. BRAFMAN: And he was never out of custody of
21 Guidepost. And I will also tell you one thing they don't
22 remember but I remember because that was the night of the
23 rainstorm several -- at that night and traffic was just dead
24 throughout the city. But he was not anywhere he wasn't
25 supposed to be. He was coming from Mr. Mo's office downtown

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1 back to the apartment. They had him there like 6:05.

2 Since then there have been no visitors to the
3 apartment whatsoever except Mr. Mo, myself, Mr. Kaplan for
4 legal issues. He has gone nowhere without approval of
5 Pretrial. The only place he has gone is to Mr. Mo's office and
6 on several occasions, with their approval, and to a doctor for
7 a complete physical, because he has a deteriorating diabetic
8 condition, with Pretrial permission.

9 And I'm authorized by the gentleman from Guidepost to
10 represent to you, if you ask, that throughout the period of
11 being in the apartment, the family has been very cooperative,
12 very respectful, very easy to deal with, and has not done
13 anything to raise any concern of those whatsoever.

14 So our request is as follows.

15 THE COURT: Mm-hmm.

16 MR. BRAFMAN: These people are not being asked to be
17 removed as suretors. Both Crystal and Jason are prepared to
18 remain as suretors. And to the extent that the moral suasion
19 on the defendant is not to hurt his family if he were to
20 violate the conditions of his bail, he would know that he is
21 costing his daughter-in-law and Jason, who is a United States
22 citizen, the liability of up to \$50 million, and that's the
23 reason they were suggested as suretors as well.

24 Miss Crystal is asking permission to go to attend to
25 her mother and to her son. The government I think initially

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1 said they would consent to two weeks. It takes almost two days
2 to get there and two days to get back and the treatment
3 requires travel as well. And what they plan to do, just so the
4 Court is aware, is, if given permission, they plan to return
5 with their children, if he is healthy enough to travel, so that
6 they could all spend the holiday period in New York with the
7 children's grandfather. And assuming the child is well enough
8 to travel, that's their present plan. If not, she'll come back
9 without them and have to make other arrangements with family
10 members to deal with the medical issues.

11 So I think this is more in the form of a humanitarian
12 request from people who the record will reflect the Court only
13 suggested that they be suretors because we wanted them to be
14 able to live in the apartment. And to the extent that they now
15 are suretors, they are not asking to be removed from the
16 responsibility. As a practical matter, I know the government
17 will say, Well, once they're in China, why would they come
18 back? But the whole purpose of them being suretors was not to,
19 you know, because they are financially responsible to meet the
20 needs. The moral part is still, you know, heavy duty.

21 And at the end of the day, Judge, they -- the mother
22 needs to go back -- the mother needs to go back, the child is
23 sick, and I don't want this kid to lose a good job with a real
24 future because he tried to be a good boy and help the family
25 during the crisis.

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1 And to the extent that we should have alerted your
2 Honor to some of these issues before agreeing to them to be
3 housed in the apartment, to be honest with you, they didn't
4 manifest themselves until a couple of days ago when I wrote the
5 letter. The child began to deteriorate. It's a very difficult
6 situation for her to be so far apart. And she was willing to
7 do that because when she came to the United States, she had no
8 idea whether her father would ever be released, whether her
9 father was going to be remanded forever. So, you know, she
10 stepped up to the plate, got on a plane and came here to help
11 him, to her credit and to Jason's credit, and now we're asking
12 for them to be able to go back, consistent with your Honor's
13 suggestion at the time of the hearing that if they needed to
14 travel, they should come to court, which is what we're do.

15 THE COURT: OK. Thank you.

16 Let me sort of give a little bit of insight as to the
17 rationale behind some of my questions.

18 Mistakenly, you know, when I heard they were living
19 there, I probably assumed more in the domicile context than I
20 should have, and by that I mean that they were in fact living
21 there. In other words, they didn't -- that it was more than
22 just them coming here for the purpose of assisting Mr. Ng after
23 his arrest. Obviously, I was incorrect in that assumption. In
24 other words, I thought they were going to be residents of the
25 apartment. That wouldn't have changed probably the actual

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1 requiring them to be suretors, but I would have probably not
2 asked all of the questions that I did.

3 But let me hear from the government.

4 MS. ECHENBERG: Thank you, your Honor.

5 So I don't think I need to take us back through the
6 entire prior proceeding, but we obviously spent a lot of time
7 on this defendant's bail conditions and they are significant.
8 And at least to the government an important part of them was
9 that three people who are close to the defendant were going to
10 be suretors on his bond and were going to be here in the United
11 States with him. Obviously, one of the things we argued
12 heavily is that this defendant has no ties to the United
13 States. And so we were reassured by the fact that your Honor
14 had ordered that three of his close family members or family
15 friends would both live with him, give up their travel
16 documents, and sign the bond for moral suasion.

17 As you know, the defendant has been out for a single
18 week, going on two weeks now, and has only traveled to and from
19 his lawyer's office but is going to start to receive approved
20 visitors soon. And so there is really no track record yet to
21 be certain that he's going to be compliant, although he has
22 essentially been compliant in the few days that he has been
23 out. When we were told that basically two of the three
24 cosigners wanted to leave the country and one of them didn't
25 want to return, that changed the calculation for us

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1 significantly.

2 But I think we can simplify what we're arguing about.
3 The government does not want to stand in the way of a mother
4 tending to her sick child and to her mother, and we had offered
5 two weeks. We are willing to be flexible about that so that
6 she can do what she needs to do to care for her family. What
7 we cared strongly about was, first, that she not do any work on
8 behalf of Mr. Ng when she is in Macau. It sounds like the
9 defense has pulled off of that request and so we are happy
10 about that. But we also don't want Miss Yuan and Mr. Meng gone
11 at the same time. We don't want two-thirds of the suretors out
12 of the country. Because whether or not they are saying they
13 are willing to remain suretors, there is virtually no way for
14 the government to enforce the bond on them if they are gone.

15 And so I think we can address Miss Yuan and we can
16 figure out something that is reasonable for her travel if the
17 government can be assured that Mr. Meng is not going to be
18 allowed to leave the country until she returns without
19 incident.

20 I would note with respect to her two things. That,
21 one, is the government wants to clarify and, two, that I think
22 it is important for your Honor to understand. Your Honor asked
23 the first three questions were addressed to either party.

24 THE COURT: Yes.

25 MS. ECHENBERG: And the answer on behalf of the

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1 government for number one and number three is no. We did not
2 interview these individuals because they were purely for moral
3 suasion, and we did not have any idea about this job offer
4 until we were alerted by defense counsel. Obviously, it would
5 have influenced the positions that we took at the bail hearing
6 once your Honor had decided that these three individuals would
7 be suretors.

8 With respect to number two, we do want to clarify the
9 position that we took in our letter. And when we said in our
10 letter that we were unaware that Ms. Yuan or Ms. Sun worked for
11 Mr. Ng's company, we were speaking on behalf of myself and
12 Mr. Richenthal. We followed up with our agents after your
13 Honor asked this question, and we learned that there was a very
14 brief interview of Ms. Sun at the time of the defendant's
15 arrest so that they could return some items to the defendant.
16 And she did mention that she worked for Mr. Ng. So we did as a
17 collective entity know that prior to the bail hearing.

18 What we learned in doing some research online today is
19 that it appears that Ms. Sun sits on the board of one of
20 Mr. Ng's companies and is possibly an executive director of a
21 real estate-related entity. So I'm not sure how that comports
22 with her having a human resources job. That is at least some
23 information that we found that was publicly available. So we
24 continue to assert that she should not be allowed to do any
25 work or go to the offices while she is there, and it sounds

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1 like the defense is not asking for that.

2 With regard to Mr. Meng, or Jason, the equation
3 becomes a little bit more complicated, because we've also been
4 looking at him a little bit, you know, since he was proposed as
5 a suretor. And what we found was that there are more than two
6 dozen currency transaction reports involving him. There is a
7 tremendous amount of cash that is moving among Australia, China
8 and the United States.

9 Just to take one example, we saw a \$50,000 deposit
10 into an account of his, a cash deposit. So if he is a recent
11 college graduate who is unemployed, that seems inconsistent
12 with the large amount of money. There are currency transaction
13 reports and other reports we see that reflect total deposits
14 into one California account that he is associated with more
15 than \$2 million.

16 THE COURT: I'm sorry. Just back up. The total
17 deposits?

18 MS. ECHENBERG: Into A single California bank account
19 that he is associated with of more than \$2 million.

20 THE COURT: And when you say "associated with," what
21 do you mean?

22 MS. ECHENBERG: It is his personal account, your
23 Honor.

24 THE COURT: OK. Is the \$2 million in the account now,
25 do you know?

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1 MS. ECHENBERG: I don't know. This is a report that
2 is recent, but I cannot say standing here today that that money
3 is in that account right now.

4 THE COURT: OK.

5 MS. ECHENBERG: We can certainly endeavor to find out.

6 And so because of all of this money moving in and out
7 of his accounts, because he seems to, at least to our
8 knowledge, very recently have this job in China, we're
9 concerned about what he might do when he goes there and whether
10 or not -- I mean, he doesn't intend to come back. So the fact
11 is that if he leaves, we are essentially down to two cosigners
12 rather than three. We have concerns about what he might do
13 when he leaves, but we also have concerns about being left with
14 two suretors rather than three.

15 And I would note that the three visitors to the
16 apartment that the government has now approved were presented
17 to us as family friends. So the defendant has family friends
18 who live in New York City, although they I believe asserted at
19 the original bail hearing that there was no one else who could
20 possibly sign this bond. There are at least three people who
21 intend to visit the apartment who have been presented to us as
22 family friends and who we vetted. One of them was described by
23 Mr. Ng's daughter during this brief interview that I mentioned
24 as an uncle. Again, that may just be a term of endearment.
25 But, again, there are other people who could replace Mr. Meng

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1 if your Honor is inclined to essentially release him from the
2 bond.

3 THE COURT: OK. All right.

4 MR. BRAFMAN: Can I just say something?

5 THE COURT: Sure.

6 MR. BRAFMAN: Briefly.

7 THE COURT: Yes.

8 MR. BRAFMAN: First of all, there is no suggestion,
9 nor is there any evidence, Mr. Jason Ng -- we said this at the
10 bail hearing, I believe --

11 THE COURT: Mr. Meng.

12 MR. BRAFMAN: I'm sorry. Jason. We said this at the
13 bail hearing, that his family has assets but he doesn't.

14 THE COURT: Yes.

15 MR. BRAFMAN: His family is very wealthy. And when
16 you fill out a Currency Transaction Report in the United
17 States, you are not trying to hide the money. And not all cash
18 transactions suggest illegality. They are buying a lot of real
19 estate. Whether they comply with tax laws or not has nothing
20 to do with this matter.

21 THE COURT: Mr. Brafman, I wasn't taking it as
22 illegality. I recognize that in light of your comment that his
23 family is involved in real estate, that it may not be a hundred
24 percent sort of his money, in a sense, or he may have some
25 interest in it. I don't know.

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1 I apologize. I interrupted you. Go ahead.

2 MR. BRAFMAN: I'm just saying the suggestion that they
3 have no problem with his daughter-in-law going but they want to
4 keep him from going, he had this job offer before Mr. Ng was
5 arrested. He has put it on hold to help Mr. Ng. It wasn't
6 intended for him to sacrifice his career over it and to have
7 him stay here until she returns because that suggests to them
8 that there's more reason for Mr. Ng to stay. The overwhelming
9 consideration that one gets from reading the hearing minutes,
10 your Honor, is that the defendant is on electronic bracelet,
11 locked in an apartment with two armed guards full-time 24/7
12 barring the only door in and out of the apartment. And to that
13 extent, whether Jason is there or not, he can't leave and he
14 hasn't tried to leave.

15 We have recently submitted several people who we have
16 vetted. They have wanted to visit Mr. Ng. And in compliance
17 with the Court's directive, we gave the names and addresses,
18 telephone numbers, Social Security numbers to the government to
19 vet. They had vetted them. I have not met any of these people
20 myself.

21 THE COURT: OK.

22 MR. BRAFMAN: And I have never discussed with them
23 whether they would or would not agree to be a suretor.

24 THE COURT: OK. This is my thought on it and it's
25 going to require probably some work by the parties and some

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1 thought. You know, look, I understand that Mr. Ng's
2 daughter-in-law came here, and, as I mentioned, I had thought
3 she was living here. So I was surprised that she was living
4 here because she had children in China, and that was something
5 that in fact I actually discussed with my chambers but I took
6 it for what it was. But having said that, obviously -- and the
7 government doesn't object that she be able to go back to tend
8 to whatever health needs of her family -- with regard to
9 Mr. Meng, what I would like, Mr. Brafman, for you to do is to
10 determine whether or not any of the three individuals who are
11 friends, whether or not they would be willing to sign the bond.

12 Mr. Meng is not going to come back. I'm not inclined
13 to take actions that would lead him to lose this job. However,
14 I would like, if there is -- if he has some documentation of
15 the job, I would like to see that, in other words, whether it
16 is a job offer or whatever, I don't know what it might be. But
17 what I'm looking to do is to have another cosigner. Mr. Meng
18 can remain on the bond but it would be someone else who is
19 here.

20 Because, obviously, yes, he was obviously signed
21 because of, you know, moral suasion, but, you know, to the
22 point that you raised, if someone is in another country and
23 outside the reach of the government, outside the reach of the
24 government in connection with any of their finances, although I
25 understand there currently is an account here, there would be

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1 less -- there is less of an impact on an individual, and so
2 what I am looking for is to get another cosigner to sign the
3 bond.

4 MR. BRAFMAN: OK. Can we do this, Judge, only because
5 of the crisis involving the child? There doesn't seem to be
6 any -- I will explain and prevail on Jason to remain here until
7 there is a suretor who is substituted who is satisfactory to
8 the government. We will try and do that as expeditiously as
9 possible. I will try and get whatever documentation we can in
10 the event we are not able to substitute him as a suretor.

11 But Miss Crystal has tried her best to deal with the
12 situation long distance and it is falling apart. So if the
13 Court is inclined to allow her to travel, then she would like
14 to leave as quickly as possible and be able to get her
15 documents back from Pretrial even today, if your Honor permits,
16 because it's a long trip and the kid needs to get to Beijing
17 and she needs to get him there, and her mother is in failing
18 health as well. So I am prepared to accept what I can get
19 today, and I appreciate your Honor's concern and patience. But
20 since the government doesn't seem to object to her travel, the
21 question is only how long she gets to be there.

22 And what we'd like to ask is that she be permitted to
23 leave tonight, if possible, or tomorrow, as soon as she gets
24 her travel documents, with the understanding that she would
25 come back on or before December 19th, because that will allow

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1 her to bring the children back, who will then be on school
2 holiday. She has a 10-year-old daughter as well. Bring her
3 children back. She is also going to bring back Janet's
4 children, who will remain here throughout, but she wants to be
5 with the children for the holiday, and then surrender her
6 travel documents again when she comes back and arrange for
7 someone else to take the children back to China.

8 THE COURT: OK.

9 MR. BRAFMAN: So if she can leave as early as today or
10 tomorrow, get her documents as soon as your Honor notifies
11 Pretrial that she can obtain them, we will delay the travel of
12 Jason until we have a substitute suretor who is satisfactory to
13 your Honor hopefully in the next day or two.

14 THE COURT: OK. All right. Let me -- I just have a
15 quick -- because I did request, just so the parties know, from
16 Pretrial to get copies of the passports of the cosigners. And
17 I don't pretend to know what visas, but does Mr. Meng have a
18 work visa as opposed to --

19 MR. BRAFMAN: He is a United States citizen.

20 THE COURT: No. Work visa for China?

21 MR. BRAFMAN: Can he answer you, your Honor, himself?

22 THE COURT: Sure. You may need to come up a little so
23 that the court reporter can hear you.

24 MR. MENG: No. I don't have a work visa now, but I
25 would like to apply for a work visa once I go to the job

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1 because I need to talk to the human resource people. I need
2 like a document and I can apply for a work visa. I have a
3 10-year visa now.

4 THE COURT: Yes. I noticed that you have a Q2 visa,
5 which I understand --

6 MR. MENG: So I need to exit the country every three
7 months or every four months.

8 THE COURT: 120 days, yes. OK.

9 MR. MENG: Thank you, Judge.

10 THE COURT: All right. Thank you.

11 So let me hear from the government with regard to -- I
12 mean, I would lean towards allowing -- well, we're going to --
13 I'm going to allow --

14 MR. BRAFMAN: Crystal.

15 THE COURT: -- Crystal, Ms. Sun Yuan, to go back. I
16 don't know whether -- does she have airline tickets now?

17 MR. BRAFMAN: We have as a precaution not booked them
18 and paid for them but she has a reservation for tonight,
19 subject to your Honor's approval. So we did that only because
20 these are not easy tickets to book and it is a very long trip.
21 But, obviously, they are not paid for but will be if your Honor
22 gives her permission.

23 THE COURT: And when she returns, where are all of
24 these people going to stay?

25 MR. BRAFMAN: Well, the children, if she brings back

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1 the children, they are going to stay a hotel nearby. There are
2 several hotels less than two blocks from the apartment, and
3 Mr. Ng will remain in the apartment. And to the extent that
4 your Honor requires the people to stay there, I don't know what
5 the purpose --

6 THE COURT: No. I mean, for the additional cosigners
7 and, actually, if we can see -- however many are willing to
8 sign, I would like to sign. So at least one but, you know, two
9 would be better. They do not need to stay in the apartment.

10 MR. BRAFMAN: Those people have their own residences I
11 have since learned.

12 THE COURT: Just to be clear, it wasn't necessarily --
13 I wasn't thinking it would be a requirement that people live
14 there.

15 MR. BRAFMAN: I understand.

16 THE COURT: But since they were living there, it was
17 something that I thought we needed to take certain steps.

18 OK. Let me hear from the government, and I want to in
19 part hear about the working for the company. I mean, as I
20 understand it, Ms. Yuan is not going to work for the company
21 when she is back in China. I want to get a sense of what the
22 government's position about her working, if that isn't -- I
23 mean my understanding is the parties agree, although they may
24 not agree as to exactly what her responsibilities are but they
25 agree that that is a job that she has.

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1 MR. BRAFMAN: Yes. But, Judge, if I may? Since she
2 is not going to work for the company during the period that she
3 is there and that is a specific direction, I would like to
4 submit in writing exactly what she -- this is a massive
5 company, and to the extent that your father owns companies --
6 and it is plural, "companies" and most of them have nothing to
7 do with this case -- it is quite common for family members to
8 have, you know, jobs. She is a bright woman. She is a
9 talented woman. Her husband works for one of the companies.
10 So I'd like to get this information correctly. Mr. Mo is not
11 here. He is the primary interpreter. I would like to submit
12 something in writing. The government can then respond rather
13 than me winging it.

14 THE COURT: How about -- no one should wing it. But
15 how about this? You have a conversation with them and see if
16 you can come to some sort of agreement before you involve me.

17 MR. BRAFMAN: That is fine.

18 THE COURT: You know, I don't know what the nature of
19 her job is. I don't know what the nature of it is and whether
20 she would be able to do it whether here or in China, but that's
21 something I think the parties need to be -- and I don't know
22 the exact nature of the government's concern, and to the extent
23 they have concern, you may be able to alleviate that concern.

24 MR. BRAFMAN: Very good.

25 THE COURT: I just don't know.

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1 MR. BRAFMAN: We will get the information, meet and
2 talk with the government, and if we can't come to an
3 understanding, we will involve your Honor, if necessary. And
4 in the interim during her trip, which hopefully begins tonight
5 if she can get her documents back from Pretrial, she
6 understands completely that she is not to go to the office, she
7 is not working there, and that trip is to help her family.

8 THE COURT: Yes. OK.

9 Let me hear from the government.

10 MS. ECHENBERG: Your Honor, I think we're fine with
11 what's being contemplated right now. And given that the child
12 apparently has a school holiday on December 19th, we are
13 sympathetic to that. We didn't know that fact previously. So
14 we have no problem with that.

15 We would ask your Honor just to explicitly order,
16 because I believe Crystal is in the courtroom --

17 MR. BRAFMAN: She is.

18 MS. ECHENBERG: -- so we would ask that you explicitly
19 order her on the record that she is not to go to the offices,
20 any of the offices, she is not to engage in any work related to
21 any of Mr. Ng's companies while she is there.

22 I agree with Mr. Brafman that we should take some time
23 to understand exactly what her role is and whether it raises
24 further concerns for us. We learned almost as we were walking
25 to court today about her role on the board and being an

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1 executive director of the company. So, we want to look into
2 that more. We are certainly interested to hear what
3 Mr. Brafman has to say about that, and we can hopefully make a
4 joint proposal to your Honor about how to proceed.

5 THE COURT: OK. I think I am going to need -- could I
6 prevail on the interpreters to help me in this regard? Well --

7 MR. BRAFMAN: She doesn't speak English.

8 THE COURT: Could you come forward. This is Crystal.
9 It is Sun Yuan or Crystal Yuan, Y-u-a-n.

10 Miss Yuan, I understand that you have agreed not to
11 work when you return to your homeland. So let me just be clear
12 as to what the parameters of that will be. OK?

13 So I'm ordering that you not work in any of the
14 offices of the businesses that you work for, that you not
15 engage in any work while you are there either over the phone,
16 electronically, or in any means. And obviously, you know, I'm
17 sorry about the health issues with your family members, but you
18 should spend your time -- and this is not an order -- but you
19 should spend your time dealing with their health issues. And
20 we expect you back on or before December 19th.

21 OK?

22 MS. SUN: OK.

23 THE COURT: All right. Thank you.

24 MR. BRAFMAN: Thank you, Judge.

25 Your Honor, is she able to go to Pretrial, and is she

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1 going to need something from you to get it or Ms. Williams to
2 get the travel documents?

3 THE COURT: She may. We may need to do an order, but
4 we can do that fairly quickly, I think.

5 MR. BRAFMAN: Thank you very much.

6 THE COURT: I don't know what the whole process is. I
7 know that they are secured I think in a safe. So I'm not
8 sure -- so I'm hopeful that you will be able to get it today
9 but I can't promise that.

10 MR. BRAFMAN: If she gets there now -- I've done this
11 before. If she gets there now and they get something from the
12 Court, they'll get it to her, and my associate Jacob will go
13 with her to make sure that she knows where she is going and how
14 to get back.

15 THE COURT: You may want to -- just in case, because I
16 think if there is anything else we need to deal with, why don't
17 they start heading over there now.

18 MR. BRAFMAN: They are.

19 THE COURT: OK. Wait. Let me hear from the
20 government. Ms. Echenberg, do you want to say something? Did
21 I miss something that you wanted me to cover with you?

22 MR. RICHENTHAL: Could we have one moment to confer?
23 I'm sorry, your Honor.

24 THE COURT: OK.

25 (Pause)

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1 MS. ECHENBERG: So one point clarifying with regard to
2 this individual, we don't want her even visiting the offices,
3 physically going to them at all. I think that was clear in
4 what you ordered.

5 MR. BRAFMAN: I think it is clear in the order. She
6 has no interest in visiting them. I will revisit the issue
7 when she comes back as to whether or not she should be able to
8 continue working for the company once we know exactly more --
9 much more information to give your Honor and the government.

10 THE COURT: OK. This is what I would suggest. It's
11 fine to communicate -- look, I don't want there to be any
12 misunderstanding where she goes to visit friends there and all
13 of a sudden, you know, there is some application when she gets
14 back.

15 MR. BRAFMAN: Right.

16 THE COURT: So I just think it needs to be clear. I
17 don't need to necessarily order it, Mr. Brafman, but we have
18 the interpreter here. If you could communicate that to her,
19 that that includes visiting any of the places of work.

20 The other thing I would ask you to do is during the
21 interim not wait until she returns on the 19th but engage in a
22 conversation with the government between now and then.
23 Obviously, you may need to speak with her to get details, but
24 engage -- start the conversation because --

25 MR. BRAFMAN: We will.

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1 THE COURT: -- you know, because if she comes back on
2 the 19th, in reality, we're probably not dealing with this
3 until, you know, after the holidays, and it might be better if
4 you have a sense of what the issues are.

5 MR. BRAFMAN: Your Honor, we would have more
6 information available to you today, but we were trying to
7 divide some of the work. Mr. Mo is giving a speech out of town
8 today. He was spending a substantial amount of time trying to
9 develop this information, and sometimes I'm an exhibit in the
10 room when he is doing that because it is in Mandarin and it is
11 hard for me to pick up. But I will --

12 THE COURT: Are you Exhibit A? Exhibit 1? The
13 defense usually goes with letters.

14 MR. BRAFMAN: I hope I'm Exhibit A, Judge, but it
15 don't matter at that point.

16 Your Honor, I will get you the information well before
17 the 19th or get it to the government.

18 THE COURT: And I am around. So if there are any
19 issues with regard to the potential other suretors, the
20 individuals who are now on the visitor list, just let me know.
21 I'm confident that the parties will be able to work through
22 that.

23 MR. BRAFMAN: I think so. Thank you very much.

24 THE COURT: Yes?

25 MS. ECHENBERG: So we have one comment about the

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1 additional cosigners.

2 THE COURT: Yes.

3 MS. ECHENBERG: First, we would very much like your
4 Honor to order that there be two additional cosigners.

5 THE COURT: I will order two.

6 MS. ECHENBERG: And, also, we want to interview those
7 cosigners and evaluate whether they are financially
8 responsible.

9 THE COURT: Let me just -- that's fine, you could
10 interview the cosigners. I think I mentioned at the
11 October 22nd that I was fine with interviewing the cosigners.

12 My view is you interview all cosigners whether or not
13 you believe them to be financially responsible because
14 sometimes it is helpful. It is also helpful, I think, in
15 emphasizing what the nature of signing a bond is. Even though
16 I know it happens across the street, I think people need to
17 understand the implications of that, because, you know, as
18 parties have pointed out, you know, in connection with another
19 case I have, I had the application to revoke somebody's bond
20 and that's put family members on the hook for a substantial
21 amount of money.

22 So is there anything else that we need to do?

23 MR. BRAFMAN: May Mr. Kaplan leave --

24 THE COURT: Yes.

25 MR. KAPLAN: Thank you, Judge.

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1 THE COURT: Could I just ask if you could just
2 communicate that no visiting.

3 MR. BRAFMAN: Yes.

4 (Pause)

5 She understands, your Honor.

6 THE COURT: OK. Thank you.

7 OK. Is there anything else that we need to do?

8 MR. BRAFMAN: I don't believe so, sir.

9 MS. ECHENBERG: Not from the government, no.

10 THE COURT: OK. All right. So, Mr. Brafman, we'll
11 start taking care of putting together whatever paperwork we
12 need in order for the passport to be released.

13 MR. BRAFMAN: I appreciate your attention to this,
14 Judge. Thank you very much.

15 THE COURT: All right.

16 MS. ECHENBERG: Your Honor, this relates to a
17 different defendant and this may have come over email already
18 but I haven't seen --

19 THE CLERK: It is done.

20 MS. ECHENBERG: It is done for Mr. Yan?

21 THE CLERK: Yes.

22 THE COURT: OK. I signed the bond.

23 MS. ECHENBERG: Yes, your Honor.

24 THE COURT: OK. Thank you very much.

25 - - -